

the agencies' authority to change or rescind it. The agencies have deleted the parenthetical statement in the Legislation section, which implies unintentionally that the NMSL need not be "realistic." The statement was intended to convey that the NMSL is excluded from those speed limits that States may set, but its existence may lead to confusion and its deletion does not affect the guideline. With respect to the comment urging a renewed national focus, the agencies would point out that speed control has recently been designated as a priority program area, reflecting a strong national focus on the issue and a commitment to full cooperation with the States in this area.

#### Guideline #20: Occupant Protection

When the original highway safety program standards were established by NHTSA and FHWA, an occupant protection program standard was not included among them.

In 1982, the agencies issued a final rule which identified six National Priority program areas that were considered the most effective in reducing highway deaths and injuries. Occupant Protection was designated as one of the six most effective programs. However, the agencies did not at that time, and have not since, issued a highway safety program standard or guideline on Occupant Protection.

The January 1994 **Federal Register** notice proposed to add a separate guideline on Occupant Protection. In today's notice, the new guideline is adopted.

The agencies received 11 comments regarding new guideline 20, which generally expressed strong support for its addition. The Georgia Department of Public Safety and the Illinois State Police were especially supportive of giving occupant protection individualized attention. The National Sheriff's Association (NSA) stated that strict enforcement of occupant restraint and child safety seat use requirements by all State, county, and municipal law enforcement officers was "a must." NSA also recommended that references to air bags and anti-lock braking systems be included. Advocates for Highway and Auto Safety urged the agencies to specifically endorse the primary enforcement of mandatory safety belt and child restraint use laws as part of the "vigorous enforcement" contemplated by the guideline.

The agencies agree with NSA that strict enforcement efforts are a vital component of a successful occupant protection program, and believe that the guideline, as proposed on January 14, 1994, places a strong emphasis on

enforcement. The agencies also agree that air bags play an important role in occupant protection. In recognition of this role, references to airbags already appear in the guideline, in the sections on Legislation, Regulation, and Policy; Enforcement Program; and Public Information and Education Program. In response to NSA's comment, we have also added a reference to air bags in the context of trend data collection in the Evaluation Program section. However, the agencies do not agree that references to anti-lock brakes are appropriate in the Occupant Protection guideline, as this issue falls more properly within the ambit of crash avoidance. Consequently, the agencies have not adopted NSA's suggestion to add such references. The agencies agree with Advocates that primary enforcement legislation deserves special emphasis, and have added appropriate language in the section on Legislation, Regulation, and Policy.

The National Association of Fleet Administrators (NAFA) supported all employer programs directing the use of safety belts by employees. NAFA commented, however, that the employer's responsibility should be limited to the adoption of policies and to informing employees of those policies. NAFA voiced its member fleets' concerns that States might pass laws requiring an employer to monitor compliance, raising the specter of unjust liability and penalties. According to NAFA, it would be unfair to hold an employer responsible where an employee willfully disregards the employer's policy. The agencies agree with NAFA about the importance of employer-based programs for the use of safety belts. In fact, through a public/private partnership popularly known as "NETS" (Network of Employers for Traffic Safety), the agencies are actively encouraging such programs, because of their demonstrated safety benefits and resulting economic benefits to the employer. Since the guideline proposed on January 14, 1994 does not discuss issues of liability or responsibility associated with employer-based programs, no changes have been made in response to NAFA's comment.

The proposed guideline provided for basic and in-service training in the Enforcement Program section. In connection with that training, The International Association of Chiefs of Police (IACP) commented that NHTSA should not insist on a particular curriculum or dictate the number of hours. In IACP's view, training should be described in terms of learning goals and performance objectives. The guideline presently allows the flexibility

IACP seeks, specifying neither the particular curriculum nor the number of hours of training required.

Consequently, no changes have been made in response to IACP's comment.

The Washington State Patrol expressed concern that data requested in the Evaluation section of the guideline, such as conviction rates on restraint violations, are not available or easily obtained. Collection of the specific data listed in the guideline (safety restraint citations and convictions) is not required but rather suggested as an aid to the State in fashioning its evaluation program. The agencies are aware that, while data on motor vehicle restraint violations are generally available, conviction rate data may be more difficult to obtain. Where such data are unavailable, States may choose to collect other useful data for evaluation purposes.

The National School Transportation Association (NSTA) recommended that the guideline discuss the issue of "compartmentalization," to educate the public about the safety record of school buses. NSTA also suggested that continued emphasis be placed on school bus drivers wearing safety belts. The agencies have not adopted NSTA's recommendations, because they are more appropriate for consideration in the specific context of school bus safety, and have been addressed elsewhere. For example, NHTSA periodically publishes the "School bus safety report," a widely disseminated document containing useful safety information, including a discussion of the importance of compartmentalization. Additionally, the Highway Safety Program Guideline on Pupil Transportation Safety (not under revision at this time) places an emphasis on the importance of safety belt use by school bus drivers.

3M Corporation commented that the guideline fails to consider the safety of occupants of disabled vehicles, and recommended that conspicuity enhancement, such as reflective license plates and garments for stranded motorists, be considered. The agencies agree that conspicuity can play a role in motorist safety. However, we do not believe that the issue is appropriate for consideration in the context of the occupant protection guideline, which addresses the protection of vehicle occupants during a crash.

The New York City Police Department urged the expansion of programs advocating the use of safety belts to junior high school through the last year of high school. The proposed guideline already recommends that programs for grades kindergarten through 12 include "highway safety in general and